

ROUTINE ACCESS POLICY

SERVICE NOVA SCOTIA AND MUNICIPAL RELATIONS

October 24, 2003

1. POLICY STATEMENT

This "Routine Access" policy for **Service Nova Scotia and Municipal Relations** is designed to provide persons with an opportunity to obtain certain categories of records without having to submit a *Freedom of Information and Protection of Privacy Act* Application. It shall be administered in accordance with the following principles:

a) Personal Privacy

The policy shall be applied in a manner which will be considerate and protective of the personal privacy of individuals and records subject to this policy shall be considered for release and severing in a manner consistent with the FOIPOP Act.

b) Timeliness

The Department of **Service Nova Scotia and Municipal Relations** will respond to requests made under the Routine Access Policy in a reasonable and timely fashion.

c) Cost Recovery

Fees for the reproduction and provision of records may be charged where authorized by policies, regulations, or statutes.

d) Transparency

This policy shall be made readily available to the public.

e) Reasonableness

This policy shall apply to requests for reasonable quantities of records.

f) Active Dissemination

This policy does not apply to Departmental records that are currently available through public offices, such as Access Centres and Registry of Deeds Offices, under various Departmental policies, regulations and statutes. Public inquiries regarding access can be made by contacting these offices directly or via our web site at www.gov.ns.ca/snsmr.

2. DEFINITIONS

Routine Access is the routine or automatic release, *in full or in part*, of certain types of administrative or operational records as a matter of course in response to a request without the need for a formal application for records under the *FOIPOP Act*.

Access under this policy, may mean either providing a copy of the records requested or providing a means and opportunity for the applicant to view the records, whichever is administratively most efficient as determined by the Department.

Active Dissemination is the periodic and proactive release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.

FOIPOP Access is the release of a record in response to a formal FOIPOP application made under the *Freedom of Information and Protection of Privacy Act*.

A Record “includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records”. (clause 3(1) (k) *FOIPOP Act*).

Final Audits is a final audit of a program which has been accepted by the program sponsor/owner.

3. POLICY OBJECTIVES

The objective of the implementation of this policy is the accessibility to certain records, (listed in Appendices 1 and 2), routinely without additional administrative time being required of staff to fulfill “Routine Access” requests . It is also to provide a greater certainty of access for those requesting information and to also reflect the spirit of openness and accountability of the FOIPOP Legislation.

4. APPLICATION

- a. This policy applies to all staff of Service Nova Scotia and Municipal Relations, including head office, regional and site offices and Finance (CSU) and to all records designated under this policy in accordance with the attached Appendices 1 and 2.
- b. This policy shall apply only to requests for *reasonable* quantities of records and shall not apply to a request for more than 50 pages of records in a particular category and/or time period. Repetitive requests by an individual for significant volumes of records or the separation of a request into several small requests totalling a large volume, shall not be subject to the policy. It is important to ensure that the application of the Routine Access policy of the department not unduly interfere with the day-to-day operations of the Department.
- c. Requests made under Routine Access do not apply to information subject to exemptions under the *FOIPOP Act*.
- d. Routine Access requests only apply to information created after October 23, 2003.
- e. Personal information may be severed with the same criteria and in the same manner as requests made under the *FOIPOP Act*.

5. POLICY DIRECTIVES

Service Nova Scotia and Municipal Relations will ensure the following:

- a. The Routine Access policy will be posted on Service Nova Scotia and Municipal Relations' (SNSMR) website at: at <http://www.gov.ns.ca/snsmr/>.
- b. All staff of Service Nova Scotia and Municipal Relations, including head office, regional and site offices, and Finance (CSU) will be advised of the policy coming into force on October 23, 2003.
- c. All Routine Access requests received at Service Nova Scotia will be forwarded to designated persons through the FOIPOP Administrator.
- d. All Routine Access requests at Service Nova Scotia and Municipal Relations will be kept for compliance and auditing purposes.

6. POLICY GUIDELINES

- Once a request for "Routine Access" to a particular record, or set of records, has been received by the FOIPOP Administrator, it shall be forwarded *to the appropriate program/document owner* for action. If the policy does not apply to the request, a response to the requester shall be provided promptly and shall indicate what other avenues may be available to obtain the information (e.g. a formal FOIPOP Application). If the policy applies to the request, the records shall be provided to the applicant within a reasonable period of time, but no later than 30 days from receipt of the request.
- All Routine Access requests will be directed to the FOIPOP Administrator for review and recording prior to forwarding to the appropriate program/document owner for processing.
- Routine Access requests of administrative or operational records will be granted in full or in part. Records containing the personal or corporate information of third parties as defined in the *FOIPOP Act* will not be disclosed unless written consent is provided by the third party. **Routine Access is also subject to other exemptions under the *FOIPOP Act*.**
- Routine Access to administrative or operational records will only apply to information created after the effective date of the Routine Access Policy, October 23, 2003.

7. ACCOUNTABILITY

The Deputy Minister of **Service Nova Scotia and Municipal Relations** shall be accountable for the implementation of this policy.

8. MONITORING/COMPLIANCE/EVALUATION

The "Routine Access" process established under this policy shall be monitored and evaluated on an annual basis by the FOIPOP Administrator in consultation with the Routine Access Policy Committee.

9. REFERENCES

All Routine Access requests shall be subject to the following statutes, referenced in Section 4A of the FOIPOP Act.

- 1) Section 19 of the *Consumer Reporting Act*; (see Appendix 3 attached)
- 2) Subsection (6) of Section 98 of the *Motor Vehicle Act*; (see Appendix 3 attached)
- 3) Subsection (8) of Section 37 and Section 45 of the *Vital Statistics Act*; (see Appendix 3 attached).

Including the following Section of the *FOIPOP Act*.

- 4) Section 20 of the *FOIPOP Act*; (see Appendix 4 attached)
- 5) Section 21 of the *FOIPOP Act*; (see Appendix 4 attached)
- 6) Section 27 of the *FOIPOP Act*; (see Appendix 4 attached)

10. INQUIRIES

Any and all inquiries related to this Routine Access Policy should be directed to:

FOIPOP Administrator
Service Nova Scotia and Municipal Relations

1505 Barrington Street, 8 South
PO Box 1003
Halifax, Nova Scotia B3J 3K5

E-Mail: SNSMR_RoutineAccess@gov.ns.ca Fax. 424-7434 Telephone: 424-5494

11. APPENDICES

See Appendix 1: Routine Access Documentation List ***applicable to all Divisions*** of Service Nova Scotia and Municipal Relations:
Divisions include:

Program Management and Corporate Services
Service Delivery
Municipal Services
Registry and Information Management
Assessment / APD

See Appendix 2: Routine Access Documentation List *specific to Divisions* of Service
Nova Scotia and Municipal Relations:
Divisions include:

Program Management and Corporate Services
Service Delivery
Municipal Services
Registry and Information Management
Assessment / APD

See Appendix 3: Section 19 of the *Consumer Reporting Act*
Subsection (6) of Section 98 of the *Motor Vehicle Act*
Subsection (8) of Section 37 and Section 45 of the *Vital Statistics Act*

See Appendix 4: Section 20 of the *FOIPOP Act*
Section 21 of the *FOIPOP Act*
Section 27 of the *FOIPOP Act*

APPENDIX 1

Routine Access Policy Documentation Listing *Applicable to all Divisions of Service Nova Scotia and Municipal Relations (SNSMR)*

Applicable to all Divisions of SNSMR: <ul style="list-style-type: none"> • Program Management and Corporate Services • Service Delivery • Municipal Services • Registry and Information Mngt. • Assessment / APD 	Contracts <ul style="list-style-type: none"> • Contracts for goods and services, excluding personal information and service product or trade secrets
	Expense Reports Ministers / Other <ul style="list-style-type: none"> • Expense Reports • Ministerial Approvals for travel
	Departmental / Operational Policies <ul style="list-style-type: none"> • General Administrative Policies including Standards and Guidelines
	Reports / Statistics <ul style="list-style-type: none"> • Final Program Audits
	Financial Records <ul style="list-style-type: none"> • Cost of office renovations • Cost of specific events • Overtime expenditures for specific departments/divisions • Detailed expenditure reports by category (salary, travel, etc.)
	HR, Employment Contracts <ul style="list-style-type: none"> • Generic information on benefits and hours of work • Personal service contracts of individuals not appointed pursuant to Civil Service Act, excluding personal information, and service or product trade secrets. • Secondment agreements, both within government and outside government, excluding personal information. • Organizational charts with position titles • Current PSC approved generic job descriptions and pay scales • Hiring Process: # of applicants for job for position; # of persons interviewed; identify of selection panel (to persons interviewed only); name of successful candidate (once offer of employment has been accepted) • Adjudication decisions of grievances filed by union employees.

APPENDIX 2

Routine Access Policy Documentation Listing *Applicable to Specific Divisions of Service Nova Scotia and Municipal Relations*

Routine Access Records	Program Management & Corporate Services (PMCS)	Registry and Information Management Services (RIMS)	Service Delivery (SD)	Municipal Relations (MR)	Alternative Program Delivery (APD) Assessment
Reports / Statistics	<p>Consumer & Business Policy</p> <ul style="list-style-type: none"> Identity of holders of business permits and licenses <p>Corporate Development</p> <ul style="list-style-type: none"> Department Business Plan: Plan and associated working documents Department Annual Accountability Report: Report and associated working documents. OHS documents <p>Compliance Section (Driver/Vehicle)</p> <ul style="list-style-type: none"> Reports related to Vehicle and Driver Safety <p>Audit & Enforcement (Fuel & Tobacco)</p> <ul style="list-style-type: none"> Quarterly / Annual Reports Fuel & Tobacco Revenue Reports 	<p>Operational - RIMS</p> <ul style="list-style-type: none"> Project Requirements Analysis Request for Proposals (RFPs) System Design / Implementation Plans Test Plans / Results <p>Business Registration</p> <ul style="list-style-type: none"> Statistical Numbers <p>Vital Statistics</p> <ul style="list-style-type: none"> Statistical information in aggregate form (non- identifying on # of live births, stillbirths, deaths, marriages, domestic partnerships by occurrence or residence of a geographical area Stats on cause of death information by geographic location Type of disposition of remains (burial or cremation) - totals for a specified period 	<p>Operations Support</p> <ul style="list-style-type: none"> Stats on # of a particular class of vehicle registered in NS, in each county and in NS/County by year Stats on # of a particular class of drivers licenced in NS Stats on # of drivers licenced in NS/County, or licensed in NS by sex/age Stats on # of transactions per hour/day by office Stats on # of vehicles by weight category Stats on total # of vehicles registered each year Renewal stats each month Justice fine payment stats Stats on # of specific kind of vehicles by province / county Volume stats for RMV by service channel 	<p>Operational - MR</p> <ul style="list-style-type: none"> Annual Report of Municipal Statistics Reports on status, commitments and expenditures under various funding programs 	<p>Assessment Services</p> <ul style="list-style-type: none"> Historical assessed values by property location or Assessment Account Number (AAN) Break down of assessed value by land and building

Routine Access Records	Program Management & Corporate Services (PMCS)	Registry and Information Management Services (RIMS)	Service Delivery (SD)	Municipal Relations (MR)	Alternative Program Delivery (APD) Assessment
Reports / Statistics...cont'd	Cont'd under Audit & Enforcement (after current year's revenue data has been reported in public accounts) <ul style="list-style-type: none"> • Auditor Reports (to support issuance of a Notice of Assessment) - released if appealed • Compliance Vehicle Stats • Compliance Vehicle Recap • Monthly Vehicle Condition Report • Vehicle Usage and Expense Report • Provincial Analyst's Charges for Fuel Samples • Annual Outcomes Report (after current year's revenue data reported in public accounts and would not include taxpayer specific info.) 		Cont'd under Operational Support <ul style="list-style-type: none"> • Stats on # of plates issued by class of vehicle by month/year • Year End Stats Report (yearly) • Year end status report by office • Dealer Listing 		

APPENDIX 3

Consumer Reporting Act

•CHAPTER 93

OF THE

REVISED STATUTES, 1989

amended 1999, c. 4, ss. 10-16

Exceptions to confidentiality

19 (1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under Section 16, 17 or 18 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except

(a) as may be required in connection with the administration of this Act, and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. R.S., c. 93, s. 19.

APPENDIX 3 (cont'd)

Motor Vehicle Act

•CHAPTER 293

OF THE

REVISED STATUTES, 1989

amended 1990, c. 36; 1993, cc. 30, 31; 1994, cc. 24, 25;
1994-95, c. 6, s. 65; 1994-95, c. 12; 1994-95, c. 18, s. 3;
1995-96, cc. 20, 22, 23; 1996, cc. 34, 35; 1997, c. 5;
1998, c. 32, ss. 1-3; 1999, c. 4, s. 26; 1999, c. 11, ss. 1-12, 17;
2000, c. 14; 2001, c. 12, ss. 2-21; 2001, c. 44, ss. 1-10;
2002, c. 5, s. 33; 2002, c. 20, ss. 1, 2, 5-12; 2002, c. 30, s. 14

Accident report

98 (1) The driver of a vehicle involved in an accident resulting in injury or death to any person, or property damage to an apparent extent of one thousand dollars or more, shall, within twenty-four hours,

(a) if the accident takes place within a city or incorporated town, forward a written report of the accident, or report the accident in person to the Registrar, or to the nearest detachment of the Royal Canadian Mounted Police, or to the chief of police or any regular member of the police force of the city or incorporated town;

(b) if the accident takes place other than within a city or incorporated town, forward a written report of the accident or report the accident in person to the Registrar or to the nearest detachment of the Royal Canadian Mounted Police.

..

(6) Except as provided in subsection (7), all reports made pursuant to the provisions of this Section shall be for the information only of the Registrar, the Department or the police force to which they are made and no such report or any part thereof or any statement contained therein shall be open to public inspection or admissible in evidence in any trial, civil or criminal, arising out of such accident except as evidence that such a report has been made or in connection with a prosecution for making a false statement therein in violation of subsection (11).

(7) Where a person or an insurance company has paid or may be liable to pay for damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company who is thereunto authorized by the person or company in writing, is entitled to access to any such reports for the purpose of obtaining therefrom information in respect of

(a) the date, time, and place of the accident;

(b) the identification of vehicles involved in the accident;

- (c) the name and address of any parties to, or involved in, the accident;
- (d) the names and addresses of witnesses to the accident;
- (e) the names and addresses of persons or bodies to whom the report was made;
- (f) the names and addresses of any police officer who investigated the accident;
- (g) the weather and highway conditions at the time of the accident;
- (h) the estimate of the damage to any vehicle involved in the accident.

APPENDIX 3 (cont'd)

Vital Statistics Act

• CHAPTER 494

OF THE

REVISED STATUTES, 1989

amended 1998, c. 8, ss. 60-71; 2000, c. 29, ss. 32-45; 2001, c. 5, ss. 40-49; 2001, c.45

ISSUANCE OF CERTIFICATES AND COPIES

1. Certificates

37 (1) No certificate of birth or certified copy, photostatic copy or photographic print of a registration of birth shall be issued by the Registrar except as provided in this Act.

(8) No certificate issued in respect of the registration of a death or stillbirth shall be issued in such a manner as to disclose the cause of death or stillbirth as certified on the medical certificate, except

2. (a) upon the authority in writing of the Minister; or
- (b) upon the order of a judge or a court.

Protection of information

1. **45 (1)** No division registrar and no person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information acquired by him in the performance of his duties under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

(2) Nothing in subsection (1) prohibits the compilation, furnishing or publication of statistical data that does not disclose specific information with respect to any particular person. R.S., c. 494, s. 45.

APPENDIX 4

Freedom of Information and Protection of Privacy Act

2. CHAPTER 5

OF THE

ACTS OF 1993

amended 1999 (2nd Sess.), c. 11; 2002, c. 5, ss. 18, 19

Personal information

1. **20 (1)** The head of a public body shall refuse to disclose personal information to an applicant if the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) In determining pursuant to subsection (1) or (3) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Nova Scotia or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or to promote the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable; and

(h) the disclosure may unfairly damage the reputation of any person referred to in the record requested by the applicant.

(3) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy if

(a) the personal information relates to a medical, dental, psychiatric, psychological or other health-care history, diagnosis, condition, treatment or evaluation;

(b) the personal information was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;

(c) the personal information relates to eligibility for income assistance or social-service benefits or to the determination of benefit levels;

- (d) the personal information relates to employment or educational history;
 - (e) the personal information was obtained on a tax return or gathered for the purpose of collecting a tax;
 - (f) the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;
 - (g) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;
 - (h) the personal information indicates the third party's racial or ethnic origin, sexual orientation or religious or political beliefs or associations; or
 - (I) the personal information consists of the third party's name together with the third party's address or telephone number and is to be used for mailing lists or solicitations by telephone or other means.
- (4)** A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy if
- (a) the third party has, in writing, consented to or requested the disclosure;
 - (b) there are compelling circumstances affecting anyone's health or safety;
 - (c) an enactment authorizes the disclosure;
 - (d) the disclosure is for a research or statistical purpose and is in accordance with Section 29 or 30;
 - (e) the information is about the third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;
 - (f) the disclosure reveals financial and other similar details of a contract to supply goods or services to a public body;
 - (g) the information is about expenses incurred by the third party while travelling at the expense of a public body;
 - (h) the disclosure reveals details of a licence, permit or other similar discretionary benefit granted to the third party by a public body, not including personal information supplied in support of the request for the benefit; or
 - (I) the disclosure reveals details of a discretionary benefit of a financial nature granted to the third party by a public body, not including personal information that is supplied in support of the request for the benefit or is referred to in clause ©) of subsection (3).
- (5)** On refusing, pursuant to this Section, to disclose personal information supplied in confidence about an applicant, the head of the public body shall give the applicant a summary of the information unless the summary cannot be prepared without disclosing the identity of a third party who supplied the personal information.
- (6)** The head of the public body may allow the third party to prepare the summary of personal information pursuant to subsection (5). 1993, c. 5, s. 20.

APPENDIX 4 (Cont'd)

Freedom of Information and Protection of Privacy Act

2. CHAPTER 5

OF THE

ACTS OF 1993

amended 1999 (2nd Sess.), c. 11; 2002, c. 5, ss. 18, 19

Confidential information

21 (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person or organization, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour-relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was obtained on a tax return or gathered for the purpose of determining tax liability or collecting a tax.

(3) The head of a public body shall disclose to an applicant a report prepared in the course of routine inspections by an agency that is authorized to enforce compliance with an enactment.

(4) Subsections (1) and (2) do not apply if the third party consents to the disclosure. 1993, c. 5, s. 21.

APPENDIX 4 (Cont'd)

Freedom of Information and Protection of Privacy Act

3. CHAPTER 5

OF THE

ACTS OF 1993

amended 1999 (2nd Sess.), c. 11; 2002, c. 5, ss. 18, 19

Disclosure of personal information

1. **27** A public body may disclose personal information only

- (a) in accordance with this Act or as provided pursuant to any other enactment;
- (b) if the individual the information is about has identified the information and consented in writing to its disclosure;
- (c) for the purpose for which it was obtained or compiled, or a use compatible with that purpose;
- (d) for the purpose of complying with an enactment or with a treaty, arrangement or agreement made pursuant to an enactment;
- (e) for the purpose of complying with a subpoena, warrant, summons or order issued or made by a court, person or body with jurisdiction to compel the production of information;
- (f) to an officer or employee of a public body or to a minister, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer, employee or minister;
- (g) to a public body to meet the necessary requirements of government operation;
- (h) for the purpose of
 - (i) collecting a debt or fine owing by an individual to Her Majesty in right of the Province or to a public body, or
 - (ii) making a payment owing by Her Majesty in right of the Province or by a public body to an individual;
- (i) to the Auditor General or any other prescribed person or body for audit purposes;
- (j) to a member of the House of Assembly who has been requested by the individual, whom the information is about, to assist in resolving a problem;
- (k) to a representative of the bargaining agent who has been authorized in writing by the employee, whom the information is about, to make an inquiry;
- (l) to the Public Archives of Nova Scotia, or the archives of a public body, for archival purposes;
- (m) to a public body or a law-enforcement agency in Canada to assist in an investigation

- (l) undertaken with a view to a law-enforcement proceeding, or
- (ii) from which a law-enforcement proceeding is likely to result;
- (n) if the public body is a law-enforcement agency and the information is disclosed
 - (l) to another law-enforcement agency in Canada, or
 - (ii) to a law-enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority;
- (o) if the head of the public body determines that compelling circumstances exist that affect anyone's health or safety;
- (p) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted;
or
- (q) in accordance with Section 29 or 30. 1993, c. 5, s. 27.